

Wetlands Bureau Decision Report

Decisions Taken
02/15/2010 to 02/21/2010

DISCLAIMER:

This document is published for information purposes only and does not constitute an authorization to conduct work. Work in jurisdiction may not commence until the applicant has received a posting permit.

Decisions are subject to appeal, and are reviewed by the federal agencies for compliance with Section 404 of the Federal Clean Water Act.

APPEAL:

I. Any affected party may ask for reconsideration of a permit decision in accordance with RSA 482-A:10,II within 30 days of the Department's issuance of a decision. Requests for reconsideration should:

- 1) describe in detail each ground for complaint. Only grounds set forth in the request for reconsideration can be considered at subsequent levels of appeal;
- 2) provide new evidence or information to support the requested action;
- 3) Parties other than the applicant, the town, or contiguous abutters must explain why they believe they are affected; and
- 4) Be mailed to the DES Wetlands Bureau, PO Box 95, Concord, NH 03302-0095.

II. An appeal of a decision of the department after reconsideration may be filed with the Wetlands Council in accordance with RSA 482-A:10, IV within 30 days of the department's decision. Filing of the appeal must:

- 1) be made by certified mail to Lawrence E. Morse, Chairperson, Wetlands Council, PO Box 95, Concord, NH 03302-0095 (a copy should also be sent to the DES Wetlands Bureau);
- 2) contain a detailed description of the land involved in the department's decision; and
- 3) set forth every ground upon which it is claimed that the department's decision is unlawful or unreasonable.

MAJOR IMPACT PROJECT

2009-00396 AW TOWNE REALTY TRUST
EPSOM Unnamed Wetland Unnamed Stream

Requested Action:

Applicant requests a waiver of the ARM Fund payment deadline to be extended from the 120 days to June 7, 2010. The request is due to the necessary review needed by the Town of Epsom.

Conservation Commission/Staff Comments:

ARM Fund payment due 3/8/2010.

OTHER:

Approve the request of a waiver of the ARM Fund payment deadline to be extended to June 7, 2010.

With Conditions:

1. The ARM Fund payment shall be submitted no later than June 7, 2010.

With Findings:

1. NHDES approves the waiver of Env-Wt 803.08(f) due to a pending review.
2. Extending the time frame for payment into the ARM Fund until June 7, 2010 is reasonable and will not have an adverse effect on the environment or natural resources of the State and will not impact abutting properties.
3. Extending the time frame for payment into the ARM Fund until June 7, 2010 is reasonable as the Town of Epsom requires more time to issue a decision.
4. RSA 482-A:3 and the DES administrative rules establish application process time frames which are followed by the Wetlands Bureau and this application request was processed accordingly.

2009-01906 BOW, TOWN OF
BOW Unnamed Stream Wetlands

Requested Action:

Impact 8,133 square feet of wetlands involving (1) 6,696 square feet of temporary impacts to wetlands, including the Turkey River (120 linear feet) and Bow Bog Brook (120 linear feet), for the installation of a municipal water line and sewer line; (2) 1,437 square feet of permanent impacts to wetlands for the construction of an access road to a water storage tank.

APPROVE PERMIT:

Impact 8,133 square feet of wetlands involving (1) 6,696 square feet of temporary impacts to wetlands, including the Turkey River (120 linear feet) and Bow Bog Brook (120 linear feet), for the installation of a municipal water line and sewer line; (2) 1,437 square feet of permanent impacts to wetlands for the construction of an access road to a water storage tank.

With Conditions:

1. All work shall be in accordance with plans by Nobis Engineering, Inc. entitled Bow Water and Sewer Project 3-A, River, Dunklee & Johnson Roads, Bow New Hampshire (Sheets 1 to 10 of 14) dated January 2010, as received by the Department on January 20, 2010; Bow Water and Sewer Project 3-A, River, Dunklee & Johnson Roads, Bow New Hampshire (Sheets 11 to 14 of 14) dated January 2010, as received by the Department on February 17, 2010; plans by Wright-Pierce entitled Water Main, Gravity Sewer and Force Main Contract No. 4 (C-18) as received by the Department on January 20, 2010 and Gravity Sewers and Force Main Contract No. 6 received by the Department on January 20, 2010.
2. The Town of Bow shall obtain easements from affected landowners and shall supply copies of the recorded easements to DES Wetlands File No. 2009-01906 prior to construction.

3. Areas of temporary impact shall be restored to pre-construction conditions.
4. Native material removed from the streambed during water/sewer main installation, shall be stockpiled separately and used to restore the natural channel bottom.
5. Mulch within the restored temporary impact areas shall be straw.
6. Seed mix within the restored temporary impact areas shall be a wetland seed mix appropriate to the area and shall be applied in accordance with manufacturers specifications.
7. A post-construction report documenting the status of the restored temporary impact areas, including photographs shall be submitted to the Wetlands Bureau within 60 days of the completion of construction.
8. The permittee or a designee shall conduct a follow-up inspection after the first growing season, to review the success of the restored temporary impact areas and schedule remedial actions if necessary. A report outlining these follow-up measures and a schedule for completing the remedial work shall be submitted by December 1 of that year.
9. All in-stream work shall be conducted in a manner that minimizes the duration of construction in the watercourse. In-stream work shall not exceed five consecutive days in total unless specifically authorized in writing by the Wetlands Bureau.
10. The Permittee shall monitor the weather and will not commence work within flowing water, including the installation of cofferdams, when rain is in the forecast.
11. Work shall be conducted in a manner so as to minimize turbidity and sedimentation.
12. Appropriate siltation/erosion controls shall be in place prior to construction, shall be maintained during construction, and remain in place until the area is stabilized.
13. Prior to commencing work within surface waters, a cofferdam shall be constructed to isolate the work area from the surface waters.
14. Discharge from dewatering of work areas shall be to sediment basins that are: a) located in uplands; b) lined with hay bales or other acceptable sediment trapping liners; c) set back as far as possible from wetlands and surface waters, in all cases with a minimum of 20 feet of undisturbed vegetated buffer.
15. Work within the stream, inclusive of work associated with installation of a cofferdam, shall be done during periods of low flow. High flows can be caused by seasonal runoff or precipitation; the permittee shall monitor local forecasts to review weather conditions.
16. No work within the confined area shall proceed until the cofferdam is fully effective, and water flow is controlled.
17. Temporary cofferdams shall be entirely removed immediately following construction.
18. Extreme precautions shall be taken within riparian areas to limit unnecessary removal of vegetation during construction.
19. Construction equipment shall be inspected daily for leaking fuel, oil and hydraulic fluid prior to entering surface waters or wetlands. Faulty equipment shall be repaired prior to entering jurisdictional areas.
20. The contractor shall have appropriate oil spill kits on site and readily accessible at all times during construction and each operator shall be trained in its use.
21. All refueling of equipment shall occur outside of surface waters or wetlands during construction.
22. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
23. The contractor responsible for completion of the work shall utilize techniques described in the New Hampshire Stormwater Manual, Volume 3, Erosion and Sediment Controls During Construction (December 2008).
24. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
25. Within three days of final grading in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
26. Where construction activities have been temporarily suspended within the growing season, all exposed soil areas shall be stabilized within 14 days by seeding and mulching.
27. Where construction activities have been temporarily suspended outside the growing season, all exposed areas shall be stabilized within 14 days by mulching and tack. Slopes steeper than 3:1 shall be stabilized by matting and pinning.
28. The Department has determined that this project is in the vicinity of an impaired waterbody. Therefore stormwater runoff treatment for this project shall be designed and constructed so that the stormwater pollutant loads from the completed project are no greater than the stormwater pollutant loads that existed prior to the project for all pollutants causing impairment which are likely to be in stormwater discharged from the completed project.
29. Any future work on this property that is within the jurisdiction of the DES Wetlands Bureau as specified in RSA 482-A will require a new application and approval by the Bureau.

With Findings:

1. This is a major project per Administrative Rule Env-Wt 303.02 (i) Projects that alter the course of or disturb 200 or more linear feet of an intermittent or perennial nontidal stream or river channel or its banks.
2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01.
3. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(a) Requirements for Application Evaluation, has been considered in the design of the project.
4. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.
5. Stream flow will be maintained during construction.
6. The project was reviewed by staff of the NH Natural Heritage Bureau and/or the Nongame and Endangered Species Program and it was determined that, although there was a NHB record (e.g., rare wildlife, plant, and/or natural community) present in the vicinity, they do not expect that it will be impacted by the proposed project.
7. No comments were submitted from the Conservation Commission.
8. In accordance with RSA 428-A:8, DES finds that the requirements for a public hearing do not apply as the permitted project is not of substantial public interest, and will not have a significant impact on or adversely affect the values of the riverine resource, as identified under RSA 482-A:1.

2009-01993 SILVER HILL DEVELOPMENT
PEMBROKE Tributary To Frenchs Brook

Requested Action:

Proposal to dredge and fill approximately 3,700 sq. ft. of forested wetlands and associated stream "French's Brook" (approximately 100 linear ft.) for construction of an access road to a proposed 5-lot commercial subdivision on approximately 116 acre parcel (2-lots) with portions containing an existing mining/gravel operation. Work in wetlands consists of installation of a 6 ft. high x 9 ft. span x 69 ft. run box culvert embedded with natural stream materials, associated filling and grading impacts and installation of pre-cast head walls and wing walls.

Conservation Commission/Staff Comments:

1. No comments were received from the Conservation Commission.

APPROVE PERMIT:

Dredge and fill approximately 3,700 sq. ft. of forested wetlands and associated stream "French's Brook" (approximately 100 linear ft.) for construction of an access road to a proposed 5-lot commercial subdivision on approximately 116 acre parcel (2-lots) with portions containing an existing mining/gravel operation. Work in wetlands consists of installation of a 6 ft. high x 9 ft. span x 69 ft. run box culvert embedded with natural stream materials, associated filling and grading impacts and installation of pre-cast head walls and wing walls. Compensatory Mitigation for stream impacts consists of preserving an average 100 ft. wide no disturb buffer (approximately 4.8 acres) by deed restriction along French's Brook and providing an enhanced wildlife planting buffer along approximately 400 linear ft. of the Soucook River during the restoration phase of the existing mining operation.

With Conditions:

1. All work shall be in accordance with plans and narratives by T.F. Bernier, Inc., plan sheets 2, 3 and 5 of 13 revision date of January 11, 2010, plan sheets 1, 4, 6 and 9 of 13 revision date of December 28, 2009, plan sheets 8, 12 and 13 of 13 revision date of November 18, 2009, plan sheets 7 and 10 of 13 revision date of September 23, 2009, plan sheet 11 of 13 revision date of September 3, 2009 and "Wetland Buffer" plan dated January 4, 2009 and "Buffer Planting Plan" narratives and plan by Stoney Ridge Environmental, LLC, "Pembroke Sand & Gravel Buffer Planting Plan" dated January 12, 2010, as received by DES on January 19, 2010.
2. This permit is contingent on review and approval, by the DES Wetlands Bureau, of final stream diversion/erosion control plans. Those plans shall detail the timing and method of stream flow diversion during construction, and show temporary siltation/erosion/turbidity control measures to be implemented.
3. Work shall be done during low flow.
4. This permit is contingent on approval by the DES Alteration of Terrain Program.
5. This permit is contingent on approval by the DES Subsurface Systems Bureau.

6. There shall be no further alteration of wetlands for lot development, driveways, culverts, or for septic setback. Additional impacts may be considered for the termination of the proposed access road on lot 12 as indicated in the approved narratives.
7. The deed which accompanies the sales transaction for each of the lots in this subdivision shall contain condition #6 of this approval.
8. The buffer along French's Brook shall be marked in the field as proposed before the start of any construction associated with the access road identified on approved plans as "Silver Hills Drive".
9. The deed which accompanies the sales transaction for each of the lots adjacent to French's Brook shall contain condition #8 of this approval and the language of the proposed "Wetlands Buffers of French's Brook Deed Restrictions" as received and approved by DES.
10. The deed which accompanies the sales transaction for the lot adjacent to the Soucook River shall reference the approved planting plan and associated narratives prepared by Stoney Ridge Environmental, LLC for the wildlife restoration, "Gravel Buffer Planting Plan" area that is to be completed before or during final reclamation of the on-site gravel pit.
11. This permit shall not be effective until it has been recorded with the county Registry of Deeds office by the Permittee. A copy of the recorded permit shall be submitted to the DES Wetlands Bureau by certified mail, return receipt requested, prior to construction.
12. Appropriate turbidity controls shall be installed prior to construction, shall be maintained during construction such that no turbidity escapes the immediate dredge area, and shall remain until suspended particles have settled and the water at the work site has returned to normal clarity.
13. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain in place until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
14. Discharge from dewatering of work areas shall be to sediment basins that are: a) located in uplands; b) lined with hay bales or other acceptable sediment trapping liners; c) set back as far as possible from wetlands and surface waters, in all cases with a minimum of 20 feet of undisturbed vegetated buffer.
15. There shall be no excavation or operation of construction equipment in flowing water.
16. The bed of the box culvert and associated stream channel shall be restored with natural round stone or existing streambed materials and shall not include angular rip-rap.
17. A post-construction report documenting the status of the box culvert installation shall be submitted to the Wetlands Bureau within 60 days of installation.
18. Within three days of final grading, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
19. Where construction activities have been temporarily suspended within the growing season, all exposed soil areas shall be stabilized within 14 days by seeding and mulching.
20. Where construction activities have been temporarily suspended outside the growing season, all exposed areas shall be stabilized within 14 days by mulching and tack. Slopes steeper than 3:1 shall be stabilized by matting and pinning.
21. The contractor responsible for completion of the work shall utilize techniques described in the New Hampshire Stormwater Manual, Volume 3, Erosion and Sediment Controls During Construction (December 2008).
22. Construction equipment shall be inspected daily for leaking fuel, oil and hydraulic fluid. Faulty equipment shall be repaired immediately.
23. The contractor shall have appropriate oil spill kits on site and readily accessible at all times during construction and each operator shall be trained in its use.
24. All refueling of equipment shall occur outside of surface waters or wetlands during construction.
25. All activities shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B. The owner is responsible for obtaining any Shoreland Permit (if applicable) that may be required per RSA 483-B, for construction, excavation or fill that will occur within the Protected Shoreland.

With Findings:

1. This is a major impact project per Administrative Rule Env-Wt 303.02(i) Projects that alter the course of or disturb 200 or more linear feet of an intermittent or perennial nontidal stream or river channel or its banks.
2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(a) Requirements for Application Evaluation, has been considered in the design of the project.

5. DES and the New Hampshire Fish and Game Department, Nongame and Endangered Wildlife Program ("NHFGD") expressed concerns with the proposed project due to the numerous endangered and threatened plant and wildlife species and natural communities identified near the project area through the New Hampshire Natural Heritage Bureau ("NHB") review.
6. NHFGD also raised concerns with the limited size of the proposed box culvert.
7. The applicant hired an additional environmental consulting firm to review the project and help further address DES's and NHFGD's concerns.
8. After multiple correspondences and a meeting conducted with DES, NHFGD, the applicant and agents on December 22, 2009, a 100 foot wide buffer zone (average) along French's Brook and a future wildlife planting buffer along a section of the Soucook River was proposed to address NHFGD's concerns regarding the identified species and to meet DES's requirements for compensatory mitigation for direct stream impacts.
9. DES was able to require the buffer on French's Brook and planting plan along Soucook River because DES considers the proposed impacts as over 200 linear feet of impact within a perennial stream which initiates the requirement for compensatory mitigation per Administrative Rule Env-Wt 302.03(c)(2).
10. DES has determined that the mitigation proposal is consistent with Administrative Rule Env-Wt 803.06(a).
11. The applicant/agents have provided evidence that suggests French's Brook did not flow during portions of 2009 and is actually intermittent. However, the applicant was still willing to provide mitigation due to the efforts that had gone into a mitigation proposal and the benefits it would provide.
12. The application was submitted as impacts to a perennial stream and DES has not confirmed the applicant/agents assertion that the stream is actually intermittent. DES would likely require additional monitoring and site data to determine if the new intermittent stream classification is accurate. This would delay final review of the project and would not change the project because the applicant is willing to provide the mitigation regardless of the stream classification.
13. A majority of the project site is an approved and active mining/gravel operation.
14. The proposed box culvert will be embedded with natural stream bed materials and exceeds the recommended 1.2 bank full width of the stream.
15. The agent has provided an analysis that indicates the box culvert has been designed to have little change to flow velocities through the 10 year storm event and has indicated that the culvert will pass a 100 year storm event without flowing full. The DES Alteration of Terrain Program has confirmed the engineer's analysis indicates the flow depth through the culvert during the 50 year storm event is approximately 3.63 feet deep within a 5 foot x 9 foot opening.
16. DES received correspondence from the US Department of the Army Corps of Engineers ("ACOE") stating that the project is ineligible for the NH Programmatic General Permit ("PGP") due to question raised by the US Environmental Protection Agency ("EPA"). The applicant provided a response to the ACOE and EPA.
17. DES received correspondence (e-mail) from the EPA indicating that the project is now eligible for the PGP as long as it is approved by NHFGD.
18. DES has received correspondence (e-mail) indicating NHFGD is "all set" with the project.
19. DES has not received any further correspondence from the ACOE or EPA.
20. DES has not received any public or municipal comments in objection to the proposed project.
21. In accordance with RSA 428-A:8, DES finds that the requirements for a public hearing do not apply as the permitted project is not of substantial public interest, and will not have a significant impact on or adversely affect the values of riverine resource, as identified under RSA 482-A:1.

2009-02838 PSNH, DAVID PLANTE
BARRINGTON Unnamed Wetland

Requested Action:

Impact a total of 71,116 sq. ft. of wetlands (870 sq. ft. permanent impact for utility pole installation, and 70,246 sq. ft. of temporary impact for access mats and landings) for upgrade of a 13- mile segment of the Deerfield to Madbury transmission line, known as the L-175 Line Rebuild, including the following: Deerfield: 10 sq. ft. of permanent impact, and 477 sq. ft. of temporary access impact; Nottingham: 300 sq. ft. of permanent impact and 38,690 sq. ft. of temporary access impact; Barrington: 9,974 sq. ft. of temporary access impact, and 100 sq. ft. of permanent impact; Lee: 110 sq. ft. of permanent impact and 9,494 sq. ft. of temporary impact; Durham: 1,557 sq. ft. of temporary impact only; Madbury: 350 sq. ft. of permanent impact and 10,054 sq. ft. of temporary impact.

APPROVE PERMIT:

Impact a total of 71,116 sq. ft. of wetlands (870 sq. ft. permanent impact for utility pole installation, and 70,246 sq. ft. of temporary impact for access mats and landings) for upgrade of a 13-mile segment of the Deerfield to Madbury transmission line, known as the L-175 Line Rebuild, including the following: Deerfield: 10 sq. ft. of permanent impact, and 477 sq. ft. of temporary access impact; Nottingham: 300 sq. ft. of permanent impact and 38,690 sq. ft. of temporary access impact; Barrington: 9,974 sq. ft. of temporary access impact, and 100 sq. ft. of permanent impact; Lee: 110 sq. ft. of permanent impact and 9,494 sq. ft. of temporary impact; Durham: 1,557 sq. ft. of temporary impact only; Madbury: 350 sq. ft. of permanent impact and 10,054 sq. ft. of temporary impact.

With Conditions:

1. All work shall be in accordance with plans by Northeast Utilities dated 10/30/2009, as received by DES on 11/20/2009, and according to supporting materials by Normandeau Associates dated October 2009, as received by DES on 11/20/2009.
2. Any further alteration of areas on this property that are within the jurisdiction of the DES Wetlands Bureau will require a new application and further permitting by the Bureau.
3. Pellet surveys for the presence of the New England cottontail shall be conducted and submitted to DES during construction oversight during the winter months as requested by NH Fish and Game Department.
4. Work may occur in the vicinity of a known osprey nest site prior to April 1st; work after April 1 is dependent upon the presence of osprey in the nest. If osprey have returned to the nest, the permittee shall notify and coordinate with NH Fish and Game Department to that agency's satisfaction prior to conducting work, and the permittee shall document to DES in writing that they have done so.
5. The permittee shall notify and coordinate with NH Fish and Game Department to that agency's satisfaction of any nesting Blanding's or Wood Turtles in the construction area during the month of June, and shall avoid moving or disturbing the turtles, and the permittee shall document to DES in writing that they have done so.
6. Orange construction fencing shall be placed at the limits of construction to prevent accidental encroachment on wetlands.
7. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain in place until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
8. Within three days of final grading or temporary suspension of work, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
9. Work shall be done during frozen conditions or low flow.
10. Construction equipment shall be inspected daily for leaking fuel, oil and hydraulic fluid prior to entering surface waters or wetlands.
11. Faulty equipment shall be repaired prior to entering jurisdictional areas.
12. The contractor shall have appropriate oil spill kits on site and readily accessible at all times during construction and each operator shall be trained in its use.
13. All refueling of equipment shall occur outside of surface waters or wetlands.
14. Prior to the installation; swamp mats shall be inspected for and removed of all vegetative matter.
15. Equipment used shall be designed to have low ground contact pressure or placed on temporary swamp mats so as to minimize rutting of the soils. Swamp mats shall be removed immediately upon completion of work in a particular area so as not to result in permanent impacts.
16. Prior to installation, new wood-pole structures; and upon removal, old wood-pole structures and appurtenances shall be placed outside of the jurisdiction of the DES Wetlands Bureau, but may remain in the ROW as potential cover for snakes, per the request of NH Fish and Game Department.
17. The Department has determined that this project is in the vicinity of an impaired waterbody. Therefore stormwater runoff treatment for this project shall be designed and constructed so that the stormwater pollutant loads from the completed project are no greater than the stormwater pollutant loads that existed prior to the project for all pollutants causing impairment which are likely to be in stormwater discharged from the completed project.

With Findings:

1. This is a major impact project per Administrative Rule Env-Wt 303.02(k), projects in a wetland that has documented occurrences of state or federally listed Endangered or Threatened species.
2. The need for the proposed impact has been demonstrated by the applicant per Env-Wt 302.01. The impacts are necessary for the development of an upgraded transmission line extending from Deerfield to Madbury for the continued improvement of PSNH's ability to provide service to customers.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03. The proposed project will occur within the limits of the

existing right of way, and the number of pole structures to be removed (by hand-cutting) will exceed the new poles structures to be installed by seven structures.

4. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(a) Requirements for Application Evaluation, has been considered in the design of the project. The applicant has coordinated with NH Fish and Game Department ("NHFG") staff regarding the eight threatened or endangered animal species, and four of special concern potentially impacted by this project, and NHFG's requests to protect the species of direct concern have been incorporated into this approval as permit conditions. The NH Natural Heritage Bureau..

5. The project received review by the federal resource agencies on 1/21/2010, at which time USEPA staff noted that the project was eligible as proposed for approval under the NH Programmatic General Permit.

6. The Barrington Conservation Commission provided comments stating that they were satisfied with the thoroughness of the proposal.

7. The Durham Conservation Commission supports the Durham portion of the project.

8. The Conservation Commissions of Lee, Madbury, Nottingham, or Deerfield did not report.

2009-03005 DORLANDO, LEONARD & LISA
GILFORD Lake Winnepesaukee

Requested Action:

Remove rock from 133 sq ft of breakwater and reset remaining rocks to repair an existing 70 ft "L" shaped breakwater and bring it into compliance with originally permitted dimensions. Dredge 9.7 cu yd from 199 sq ft of lakebed, remove crib remnants from 96 sq ft of lakebed, retain a 4 ft x 28 ft 6 in piling pier, construct a 6 ft x 25 ft piling pier, install 2 seasonal personal watercraft lifts, and replace an existing seasonal canopy with a new 30 ft x 30 ft seasonal canopy on an average of 152 ft of frontage on Governor's Island, on Lake Winnepesaukee.

APPROVE PERMIT:

Remove rock from 133 sq ft of breakwater and reset remaining rocks to repair an existing 70 ft "L" shaped breakwater and bring it into compliance with originally permitted dimensions. Dredge 9.7 cu yd from 199 sq ft of lakebed, remove crib remnants from 96 sq ft of lakebed, retain a 4 ft x 28 ft 6 in piling pier, construct a 6 ft x 25 ft piling pier, install 2 seasonal personal watercraft lifts, and replace an existing seasonal canopy with a new 30 ft x 30 ft seasonal canopy on an average of 152 ft of frontage on Governor's Island, on Lake Winnepesaukee.

With Conditions:

1. All work shall be in accordance with plans by Watermark Marine Construction dated November 12, 2009, as received by DES on December 21, 2009.
2. This permit shall not be effective until it has been recorded with the county Registry of Deeds Office by the Permittee. A copy of the recorded permit shall be submitted to the DES Wetlands Bureau, by certified mail, return receipt requested, prior to construction.
3. Those portions of the breakwater reaching above Elevation 504.32 and located more than 50 ft from the normal highwater line shall be removed prior to the construction of any new structure on the frontage.
4. No portion of breakwater as measured at normal full lake shall extend more than 50 feet from normal full lake shoreline.
5. The breakwater shall not exceed 3 feet in height (Elev. 507.32) over the normal high water line (Elev. 504.32).
6. The width as measured at the top of the breakwater (Elev. 507.32) shall not exceed 3 feet.
7. Appropriate turbidity controls shall be installed prior to construction, shall be maintained during construction such that no turbidity escapes the immediate dredge area, and shall remain until suspended particles have settled and the water at the work site has returned to normal clarity.
8. All dredged material and construction related debris shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
9. Work authorized shall be carried out such that discharges in spawning or nursery areas during spawning seasons shall be avoided, and impacts to such areas shall be avoided or minimized to the maximum extent practicable during all times of the year.
10. Work shall be carried out in a time and manner such that disturbance to migratory waterfowl breeding areas and spawning areas shall be avoided.
11. Canopies shall be of seasonal construction type with a flexible fabric cover. The seasonal support frame shall be designed to be removed for the non-boating season. The flexible fabric cover shall be removed during all seasons of non-use.
12. Seasonal watercraft lifts shall be removed for the non-boating season.

13. All activities shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B. The owner is responsible for obtaining any Shoreland Permit that may be required per RSA 483-B, for construction, excavation or fill that will occur within the Protected Shoreland.

With Findings:

1. This project is classified as a major project per Rule Env-Wt 303.02(j), modification of a breakwater.
2. The proposed breakwater modifications will bring the structure into compliance with the original permit for the construction of a breakwater on the frontage.
3. The applicant has an average of 152 feet of shoreline frontage along Lake Winnepesaukee.
4. A maximum of 3 slips may be permitted on this frontage per Rule Env-Wt 402.13 Frontage Over 75'.
5. The proposed docking facility will provide 3 slips as defined per RSA 482-A:2, VIII and therefore meets Rule Env-Wt 402.13.
6. Public hearing is waived with the finding that the project impacts will not significantly impair the resources of Lake Winnepesaukee.
7. There is no evidence of sand migration along this shoreline having been adversely affected by the existing breakwater.

-Send to Governor and Executive Council-

2009-03077 NH DEPT OF TRANSPORTATION
FRANCONIA Pemigewasset River

Requested Action:

Rehabilitate Franconia Notch Parkway along approximately 5.6 miles by repairing /upgrading drainage facilities including culvert replacement and sliplining, underdrains, headers and wings, a stone retaining wall and a dam impacting 12,365 sq. ft. (8480 sq. ft. temporary) of riverine and palustrine wetlands.

Conservation Commission/Staff Comments:

River Comm. notes their concerns were dealt with in the application.

Cons. Comms. - no comments

Inspection Date: 01/29/2010 by Gino E Infascelli

APPROVE PERMIT:

Rehabilitate Franconia Notch Parkway along approximately 5.6 miles by repairing /upgrading drainage facilities including culvert replacement and sliplining, underdrains, headers and wings, a stone retaining wall and a dam impacting 12,365 sq. ft. (8480 sq. ft. temporary) of riverine and palustrine wetlands. NHDOT project # 15603.

With Conditions:

1. All work shall be in accordance with plans by NHDOT Bureau of Highway Design, revised on 2/8/2010 as received by the Department on Jan. 10, 2010.
2. This permit is contingent upon the submission of a project specific stream diversion and erosion control plans, for each contract impacting jurisdictional area, to the DES Wetlands Bureau. Those plans shall detail the timing and method of stream flow diversion during construction, and shall show the temporary siltation, erosion and turbidity control measures to be implemented.
3. At least 48 hours prior to the start of construction, a pre-construction meeting shall be held with NHDES Land Resources Management Program staff at the project site or at the DES Office in Concord, N.H. to review the conditions of this wetlands permit. It shall be the responsibility of the permittee to schedule the pre-construction meeting, and the meeting shall be attended by the permittee, his/her professional engineer(s), wetlands scientist(s), and the contractor(s) responsible for performing the work.
4. Dredged material shall be placed out of the DES Wetlands Bureau jurisdiction.
5. Construction equipment shall not be located within surface waters.
6. Discharge from dewatering of work areas shall be to sediment basins that are: a) located in uplands; b) lined with hay bales or other acceptable sediment trapping liners; and c) set back as far as possible from wetlands and surface waters, in all cases with a minimum of 20 feet of undisturbed vegetated buffer.
7. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction,

and shall remain until the area is stabilized.

8. Within three days of the last activity in an area, all exposed soil areas, where construction activities are complete, shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack on slopes steeper than 3:1 or netting /matting and pinning on slopes steeper than 2:1.

9. Where construction activities have been temporarily suspended within the growing season, all exposed soil areas shall be stabilized within 14 days by seeding and mulching or if temporarily suspended outside the growing season, all exposed areas shall be stabilized within 14 days by mulching, mulching with tack on slopes steeper than 3:1 and stabilized by matting and pinning on slopes steeper than 2:1.

10. The contractor responsible for completion of the work shall utilize techniques described in the New Hampshire Stormwater Manual, Volume 3, Erosion and Sediment Controls During Construction (December 2008).

11. Appropriate storm water management and erosion control Best Management Practices (BMP) shall be implemented to ensure turbidity impacts are minimized and water quality standards are not violated. If the BMP conflicts with terms or conditions of this permit, the terms and conditions of this permit shall control.

12. The project engineer shall oversee installation of erosion controls and periodically verify that the controls are properly maintained during construction.

13. Extreme precautions to be taken within riparian areas to limit unnecessary removal of vegetation during road construction and areas cleared of vegetation to be revegetated as quickly as possible.

14. There shall be no further alteration to wetlands or surface waters without amendment of this permit.

15. Standard precautions shall be taken to prevent import or transport of soil or seed stock from nuisance, invading species such as purple loosestrife or Phragmites.

16. The impacts associated with the temporary work shall be restored immediately following construction.

17. Any planting or re-planting shall be with native species.

With Findings:

1. This is a major impact project per Administrative Rule Env-Wt 303.02(i) disturbance of more than 200 linear feet of stream and banks.
2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(a), Requirements for Application Evaluation, has been considered in the design of the project.
5. Removal of curbing will promote sheet flow allowing additional opportunity for treatment and less obstruction to vehicles during emergency stopping.
6. DES Staff conducted a field inspection of the project area on Jan. 29, 2010. Field inspection determined that the impacts to wetlands are in areas that were previously disturbed and is essentially repairs to the existing infrastructure which is needed to maintain safety.
7. Natural Resource Agency meetings were held at the NH Dept. of Transportation on July 15, 2009 and January 20, 2010 to coordinate the project.
8. The Natural Heritage Bureau indicates that the project should not impact species noted if work remains within the existing disturbed areas and that plantings should be native species.
9. Mitigation is not required as the project meets rule Env-Wt 302.03(c)(2)(c).
10. In accordance with RSA 428-A:8, DES finds that the requirements for a public hearing do not apply as the permitted project is not of substantial public interest (rule Env-Wt 101.90), and will not have a significant environmental impact (rule Env-Wt 101.86) on or adversely affect the values of the palustrine resources, as identified under RSA 482-A:1.

MINOR IMPACT PROJECT

2009-02329 LIVINGSTON, DANIEL
DEERFIELD Unnamed Wetland

Requested Action:

Dredge and fill 7,275 sq. ft. of forested wetlands for construction of a driveway crossing for a single, 54-acre house lot, including installation of a 36" x 35' culvert.

APPROVE PERMIT:

Dredge and fill 7,275 sq. ft. of forested wetlands for construction of a driveway crossing for a single, 54-acre house lot, including installation of a 36" x 35' culvert.

With Conditions:

1. All work shall be in accordance with revised plans by SFC Engineering dated 1/5/2010, as received by DES on 1/15/2010.
2. Any further alteration of areas on this property that are within the jurisdiction of the DES Wetlands Bureau will require a new application and further permitting by the Bureau.
3. This permit is contingent on approval by the DES Subsurface Systems Bureau.
4. Orange construction fencing shall be placed at the limits of construction to prevent accidental encroachment on wetlands.
5. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain in place until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
6. Work shall be done during low flow.
7. Within three days of final grading or temporary suspension of work, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
8. Proper headwalls shall be constructed within seven days of culvert installation.
9. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.

With Findings:

1. This is a minor impact project per Administrative Rule Env-Wt 303.03(h), projects altering less than 20,000 sq. ft. in the aggregate of non-tidal wetlands that exceed the criteria of Env-Wt 303.04(f).
2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01. The applicant must cross the wetland at some point to reach buildable uplands on the property.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03. The applicant is crossing the wetland at the narrowest point.
4. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(a) Requirements for Application Evaluation, has been considered in the design of the project. The NH Natural Heritage Bureau reports a species of concern in the vicinity of the project, but further reports that no impact is expected to the species as a result of the project.
5. The Deerfield Conservation Commission did not report.

MINIMUM IMPACT PROJECT

2009-02867 EXCEL MANAGEMENT CO INC
PLYMOUTH Unnamed Wetland

Requested Action:

Proposal to dredge and fill 490 sq. ft. of wetlands for connection to an existing drainage system and temporary impacts associated with the sewer force main construction for a proposed 5-lot commercial subdivision.

APPROVE PERMIT:

Dredge and fill 490 sq. ft. of wetlands for connection to an existing drainage system and temporary impacts associated with the sewer force main construction for a proposed 5-lot commercial subdivision.

With Conditions:

1. All work shall be in accordance with plans by Farmhouse Land Development plan sheets CIVIL-5 and SUR-3 revision date of November 15, 2009 and narratives by Stoney Ridge Environmental, LLC dated November 24, 2009, as received by DES on December 4, 2009 and plans by Farmhouse Land Development plan sheets CIVIL-4 and CVL-7 revision date of November 30, 2009, as received by DES on January 20, 2010.
2. This permit is contingent on approval by the DES Wastewater Engineering Bureau.
3. This permit is contingent on approval by the New Hampshire Department of Transportation.
4. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain in place until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
5. There shall be no further alteration of wetlands for lot development, driveways, culverts, or for septic setback.
6. The deed which accompanies the sales transaction for each of the lots in this subdivision shall contain condition #5 of this approval.
7. This permit shall not be effective until it has been recorded with the Grafton County Registry of Deeds office by the Permittee. A copy of the recorded permit shall be submitted to the DES Wetlands Bureau by certified mail, return receipt requested, prior to construction.
8. Within three days of final grading, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
9. Where construction activities have been temporarily suspended within the growing season, all exposed soil areas shall be stabilized within 14 days by seeding and mulching.
10. Where construction activities have been temporarily suspended outside the growing season, all exposed areas shall be stabilized within 14 days by mulching and tack. Slopes steeper than 3:1 shall be stabilized by matting and pinning.
11. The contractor responsible for completion of the work shall utilize techniques described in the New Hampshire Stormwater Manual, Volume 3, Erosion and Sediment Controls During Construction (December 2008).
12. Construction equipment shall be inspected daily for leaking fuel, oil and hydraulic fluid. Faulty equipment shall be repaired immediately.
13. The contractor shall have appropriate oil spill kits on site and readily accessible at all times during construction and each operator shall be trained in its use.
14. All refueling of equipment shall occur outside of surface waters or wetlands during construction.
15. The Department has determined that this project is in the vicinity of an impaired waterbody. Therefore, stormwater runoff treatment for this project shall be designed and constructed so that the stormwater pollutant loads from the completed project are no greater than the stormwater pollutant loads that existed prior to the project for all pollutants causing impairment which are likely to be in stormwater discharged from the completed project.

With Findings:

1. This is a minimum impact project per Administrative Rule Env-Wt 303.04(f) Projects involving alteration of less than 3,000 square feet in swamps or wet meadows that are not in prime wetlands or do not meet the requirements of Env-Wt 303.02(k), provided that no previous department permit has placed restrictions on the property of the applicant.
2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(b) Requirements for Application Evaluation, has been considered in the design of the project.

FORESTRY NOTIFICATION

2009-02927 CARTIER, NORMAN
STARK Unnamed Stream

2010-00154 MELLODY, OWEN
STARK Unnamed Stream

COMPLETE NOTIFICATION:
Stark Tax Map 408, Lot# 253

EXPEDITED MINIMUM

2010-00146 BENNETT, CHRISTOPHER
MOULTONBOROUGH Lake Winnepesaukee

Requested Action:

Repair an existing piling supported 32 ft 2 in x 11 ft 6 in dock connected to, and reduce an existing 35 ft 3 in x 5 ft dock to 4 ft in width, by a 12 ft x 11 ft walkway, with an adjacent 9 ft 7 in x 6 ft 6 in piling supported shed, on Lake Winnepesaukee, Moultonborough.

Conservation Commission/Staff Comments:

Con Com did not sign Exp Application

APPROVE PERMIT:

Repair an existing piling supported 32 ft 2 in x 11 ft 6 in dock connected to, and reduce an existing 35 ft 3 in x 5 ft dock to 4 ft in width, by a 12 ft x 11 ft walkway, with an adjacent 9 ft 7 in x 6 ft 6 in piling supported shed, on Lake Winnepesaukee, Moultonborough.

With Conditions:

1. All work shall be in accordance with plans by New Hampshire Environmental Consultants dated December 20, 2009, as received by DES on January 29, 2010.
2. This permit shall not be effective until it has been recorded with the county Registry of Deeds Office by the Permittee. A copy of the recorded permit shall be submitted to the DES Wetlands Bureau, by certified mail, return receipt requested, prior to construction.
3. This permit shall not preclude the Department of Environmental Services (DES) from taking any enforcement or revocation action if the DES later determines that any of the structures depicted as "existing" on the plans submitted by the applicant were not previously permitted or grandfathered.
4. The repairs shall maintain the size, location and configuration of the pre-existing structures with the exception of the reduction of the eastern dock from 5 ft in width to 4 ft in width.
5. This permit to replace or repair existing structures shall not preclude the DES from taking any enforcement action or revocation action if the DES later determines that the structures represented as "existing" were not previously permitted or grandfathered.
6. All construction related debris shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
7. Appropriate siltation, erosion, and turbidity controls shall be in place prior to construction, maintained during construction, and shall remain until the area is stabilized.
8. Work authorized shall be carried out such that discharges in spawning or nursery areas during spawning seasons shall be avoided, and impacts to such areas shall be avoided or minimized to the maximum extent practicable during all times of the year.
9. Work shall be carried out in a time and manner such that disturbance to migratory waterfowl breeding areas and spawning areas shall be avoided.

10. Additional expedited minimum impact applications shall be accepted for the subject property for a period of 12 months only if the applicant demonstrates by plan that the additional project(s) are wholly unrelated or separate from the original application and when considered with the original application are not classified as minor or major.

11. All activities shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B. The owner is responsible for obtaining any Shoreland Permit that may be required per RSA 483-B, for construction, excavation or fill that will occur within the Protected Shoreland.

With Findings:

1. This project is classified as a minimum impact project per Rule Env-Wt 303.04(v), repair of existing docking structures with no change in size, location or configuration.
2. The applicant is reducing the constructed surface area over public waters by approximately 19 sq ft.
3. The reduction in surface area over public waters is less impacting than repairing the existing docking structure "in kind".

GOLD DREDGE

2010-00091 CARLE, CHARLES
(ALL TOWNS) Unnamed Stream

Conservation Commission/Staff Comments:
cc Bath ConCom

2010-00092 BOUCHER, ALBERT
(ALL TOWNS) Unnamed Stream

2010-00093 BOUCHER, REGINA
(ALL TOWNS) Unnamed Stream

2010-00094 BOUCHER, FORREST
(ALL TOWNS) Unnamed Stream

2010-00111 WONDOLWSKI, DAVID
(ALL TOWNS) Unnamed Stream

2010-00149 LABONTE, STEPHEN
(ALL TOWNS) Unnamed Stream

2010-00156 DEANGELIS, MARK
(ALL TOWNS) Unnamed Stream

2010-00198 FRENETTE, ARTHUR
(ALL TOWNS) Unnamed Stream

2010-00199 FRENETTE, SHARON
(ALL TOWNS) Unnamed Stream

2010-00229 HAGGERTY, JOHN
(ALL TOWNS) Unnamed Stream

2010-00230 TYREE, ZEBBULUN
(ALL TOWNS) Unnamed Stream

2010-00231 BOYNTON, ADAM
(ALL TOWNS) Unnamed Stream

LAKES-SEASONAL DOCK NOTIF

2010-00232 HAYWARD, JOHN & CAROLE
BARNSTEAD Half Moon

COMPLETE NOTIFICATION:
Barnstead Tax MAp 48, Lot# 24 Half Moon Lake

2010-00233 MARQUIS, SCOTT
MILTON Milton Three Ponds

COMPLETE NOTIFICATION:

Milton Tax Map 38, Lot# 118 Milton Three Ponds

2010-00234 MCLEAN, GEORGE
DUBLIN Dublin Lake

COMPLETE NOTIFICATION:

Dublin Tax Map 10, Lot# 12 Dublin Lake

2010-00235 KAREN, JOHN
BRIDGEWATER Newfound Lake

COMPLETE NOTIFICATION:

Bridgewater Tax Map 116, Lot# 9 Newfound Lake

CSPA PERMIT

2009-02803 JACKSON, MARY
WAKEFIELD Pine River Pond

Requested Action:

Impact 6,300 sq ft to construct new home and driveway.

APPROVE PERMIT:

Impact 6,300 sq ft to construct new home and driveway.

With Conditions:

1. All work shall be in accordance with plans by Hays Engineering, Inc dated December 23, 2009 and received by the Department of Environmental Services ("DES") on February 11, 2010.
2. All actions associated with the installation of the proposed septic system are contingent on approval by the DES Subsurface Systems Bureau."
3. No more than 5.08% of the area of the lot within the protected shoreland shall be covered by impervious surfaces unless additional approval is obtained from DES.
4. The project as proposed will leave approximately 76,596 sq ft of the Natural Woodland Buffer beyond the primary building setback in an unaltered state. At least 76,596 sq ft of the Natural Woodland Buffer beyond the primary building setback must remain in an unaltered state in order to comply with RSA 483-B:9, V, (b), (2).
5. Erosion and siltation controls shall be appropriate to the size and nature of the project and to the physical characteristics of the site, including slope, soil type, vegetative cover, and proximity to wetlands or surface waters.
6. All activities conducted in association with the completion of this project shall be conducted in a manner that complies with applicable criteria of Administrative Rules Chapter Env-Wq 1400 and RSA 483-B during and after construction.
7. No person undertaking any activity in the protected shoreland shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards established in Env-Ws 1700 or successor rules in Env-Wq 1700.
8. Any fill used shall be clean sand, gravel, rock, or other suitable material.
9. This permit shall not preclude the Department of Environmental Services (DES) from taking any enforcement or revocation action if the DES later determines that any of the structures depicted as "existing" on the plans submitted by the applicant were not

previously permitted or grandfathered.

2010-00121 MOLESKY, DENNIS
ALSTEAD Lake Warren

Requested Action:

Impact 2317 sq ft to replace a septic tank and pump chamber.

APPROVE PERMIT:

Impact 2317 sq ft to replace a septic tank and pump chamber.

With Conditions:

1. All work shall be in accordance with plans by Livengood Earth Works LLC dated January 1, 2010 and received by the Department of Environmental Services ("DES") on January 25, 2010.
2. This permit is contingent on approval by the DES Subsurface Systems Bureau.
3. No more than 23.5% of the area of the lot within the protected shoreland shall be covered by impervious surfaces unless additional approval is obtained from DES.
4. Erosion and siltation controls shall be appropriate to the size and nature of the project and to the physical characteristics of the site, including slope, soil type, vegetative cover, and proximity to wetlands or surface waters.
5. All activities conducted in association with the completion of this project shall be conducted in a manner that complies with applicable criteria of Administrative Rules Chapter Env-Wq 1400 and RSA 483-B during and after construction.
6. No person undertaking any activity in the protected shoreland shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards established in Env-Ws 1700 or successor rules in Env-Wq 1700.
7. Any fill used shall be clean sand, gravel, rock, or other suitable material.
8. This permit shall not preclude the Department of Environmental Services (DES) from taking any enforcement or revocation action if the DES later determines that any of the structures depicted as "existing" on the plans submitted by the applicant were not previously permitted or grandfathered.

2010-00163 POTTER, JOHN & SUSAN
ENFIELD Mascoma Lake

Requested Action:

Impact 6,784 sq ft for the construction of a driveway to an existing cottage and replacement of a septic system.

APPROVE PERMIT:

Impact 6,784 sq ft for the construction of a driveway to an existing cottage and replacement of a septic system.

With Conditions:

1. All work shall be in accordance with plans by CLD Consulting Engineers dated January 1, 2010 and received by the Department of Environmental Services ("DES") on February 1, 2010.
2. This permit is contingent on approval by the DES Subsurface Systems Bureau.
3. No more than 19.4% of the area of the lot within the protected shoreland shall be covered by impervious surfaces unless additional approval is obtained from DES.
4. The project as proposed will leave approximately 5,066 sq ft of the Natural Woodland Buffer beyond the primary building setback in an unaltered state. At least 2,524 sq ft of the Natural Woodland Buffer beyond the primary building setback must remain in an unaltered state in order to comply with RSA 483-B:9, V, (b), (2).
5. Erosion and siltation controls shall be appropriate to the size and nature of the project and to the physical characteristics of the site, including slope, soil type, vegetative cover, and proximity to wetlands or surface waters.
6. All activities conducted in association with the completion of this project shall be conducted in a manner that complies with applicable criteria of Administrative Rules Chapter Env-Wq 1400 and RSA 483-B during and after construction.

7. No person undertaking any activity in the protected shoreland shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards established in Env-Ws 1700 or successor rules in Env-Wq 1700.
8. Any fill used shall be clean sand, gravel, rock, or other suitable material.
9. This permit shall not preclude the Department of Environmental Services (DES) from taking any enforcement or revocation action if the DES later determines that any of the structures depicted as "existing" on the plans submitted by the applicant were not previously permitted or grandfathered.

2010-00169 DECELLE, EDWARD & HELEN
MEREDITH Lake Winnepesaukee

Requested Action:

Impact 15,100 sq ft remove an existing dwelling and construct a new 4,007 sq ft home with driveway, patio, perched beach and new septic system.

APPROVE PERMIT:

Impact 15,100 sq ft remove an existing dwelling and construct a new 4,007 sq ft home with driveway, patio, perched beach and new septic system.

With Conditions:

1. All work shall be in accordance with plans by David M. Dolan Associates, PC dated January 1, 2010 and received by the Department of Environmental Services ("DES") on January 28, 2010.
2. This permit is contingent on approval by the DES Subsurface Systems Bureau.
3. No more than 23.3% of the area of the lot within the protected shoreland shall be covered by impervious surfaces unless additional approval is obtained from DES.
4. The project as proposed will leave approximately 6,900 sq ft of the Natural Woodland Buffer beyond the primary building setback in an unaltered state. At least 6,829 sq ft of the Natural Woodland Buffer beyond the primary building setback must remain in an unaltered state in order to comply with RSA 483-B:9, V, (b), (2).
5. Orange construction fencing shall be placed at the limits of construction to prevent accidental encroachment on wetlands.
6. Erosion and siltation controls shall be appropriate to the size and nature of the project and to the physical characteristics of the site, including slope, soil type, vegetative cover, and proximity to wetlands or surface waters.
7. All activities conducted in association with the completion of this project shall be conducted in a manner that complies with applicable criteria of Administrative Rules Chapter Env-Wq 1400 and RSA 483-B during and after construction.
8. No person undertaking any activity in the protected shoreland shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards established in Env-Ws 1700 or successor rules in Env-Wq 1700.
9. Any fill used shall be clean sand, gravel, rock, or other suitable material.
10. This permit shall not preclude the Department of Environmental Services (DES) from taking any enforcement or revocation action if the DES later determines that any of the structures depicted as "existing" on the plans submitted by the applicant were not previously permitted or grandfathered.

2010-00183 TRACHY, EDWARD
STODDARD Island Pond

Requested Action:

Impact 3,500 sq ft for the installation of a septic line and leachfield.

APPROVE PERMIT:

Impact 3,500 sq ft for the installation of a septic line and leachfield.

With Conditions:

1. All work shall be in accordance with plans by Monadnock Septic Design LLC dated January 5, 2010 and received by the Department of Environmental Services ("DES") on February 4, 2010.
2. This permit is contingent on approval by the DES Subsurface Systems Bureau.
3. No more than 0% of the area of the lot within the protected shoreland shall be covered by impervious surfaces unless additional approval is obtained from DES.
4. The project as proposed will leave approximately 2,306 sq ft of the Natural Woodland Buffer beyond the primary building setback in an unaltered state. At least 576 sq ft of the Natural Woodland Buffer beyond the primary building setback must remain in an unaltered state in order to comply with RSA 483-B:9, V, (b), (2).
5. Erosion and siltation controls shall be appropriate to the size and nature of the project and to the physical characteristics of the site, including slope, soil type, vegetative cover, and proximity to wetlands or surface waters.
6. All activities conducted in association with the completion of this project shall be conducted in a manner that complies with applicable criteria of Administrative Rules Chapter Env-Wq 1400 and RSA 483-B during and after construction.
7. No person undertaking any activity in the protected shoreland shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards established in Env-Ws 1700 or successor rules in Env-Wq 1700.
8. Any fill used shall be clean sand, gravel, rock, or other suitable material.
9. This permit shall not preclude the Department of Environmental Services (DES) from taking any enforcement or revocation action if the DES later determines that any of the structures depicted as "existing" on the plans submitted by the applicant were not previously permitted or grandfathered.

2010-00184 GORDON, NORA KELLS
HARRISVILLE Silver Lake

Requested Action:

Impact 673 sq ft for the removal of an existing cabin and the construction of a new cabin with attached deck all on concrete piers.

APPROVE PERMIT:

Impact 673 sq ft for the removal of an existing cabin and the construction of a new cabin with attached deck all on concrete piers.

With Conditions:

1. All work shall be in accordance with plans by Nora Kells Gordon dated January 1, 2010 and received by the Department of Environmental Services ("DES") on January 29, 2010.
2. No more than 6.8% of the area of the lot within the protected shoreland shall be covered by impervious surfaces unless additional approval is obtained from DES.
3. The project as proposed will leave approximately 5,825 sq ft of the Natural Woodland Buffer beyond the primary building setback in an unaltered state. At least 1,518 sq ft of the Natural Woodland Buffer beyond the primary building setback must remain in an unaltered state in order to comply with RSA 483-B:9, V, (b), (2).
4. Erosion and siltation controls shall be appropriate to the size and nature of the project and to the physical characteristics of the site, including slope, soil type, vegetative cover, and proximity to wetlands or surface waters.
5. All activities conducted in association with the completion of this project shall be conducted in a manner that complies with applicable criteria of Administrative Rules Chapter Env-Wq 1400 and RSA 483-B during and after construction.
6. No person undertaking any activity in the protected shoreland shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards established in Env-Ws 1700 or successor rules in Env-Wq 1700.
7. Any fill used shall be clean sand, gravel, rock, or other suitable material.
8. This permit shall not preclude the Department of Environmental Services (DES) from taking any enforcement or revocation action if the DES later determines that any of the structures depicted as "existing" on the plans submitted by the applicant were not previously permitted or grandfathered.

2010-00188 LEVESQUE/ FOREST, NATHAN & THOMAS
WASHINGTON Highland Lake

Requested Action:

Impact 1,257 sq ft to remove existing dwelling and to rebuild on the same footprint.

APPROVE PERMIT:

Impact 1,257 sq ft to remove existing dwelling and to rebuild on the same footprint.

With Conditions:

1. This permit is contingent on approval by the DES Subsurface Systems Bureau.
2. All work shall be in accordance with plans by Forest Designs dated November 30, 2009 and received by the Department of Environmental Services ("DES") on February 2, 2010.
3. No more than 10% of the area of the lot within the protected shoreland shall be covered by impervious surfaces unless additional approval is obtained from DES.
4. The project as proposed will leave approximately 3,284 sq ft of the Natural Woodland Buffer beyond the primary building setback in an unaltered state. At least 907 sq ft of the Natural Woodland Buffer beyond the primary building setback must remain in an unaltered state in order to comply with RSA 483-B:9, V, (b), (2).
5. Erosion and siltation controls shall be appropriate to the size and nature of the project and to the physical characteristics of the site, including slope, soil type, vegetative cover, and proximity to wetlands or surface waters.
6. All activities conducted in association with the completion of this project shall be conducted in a manner that complies with applicable criteria of Administrative Rules Chapter Env-Wq 1400 and RSA 483-B during and after construction.
7. No person undertaking any activity in the protected shoreland shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards established in Env-Ws 1700 or successor rules in Env-Wq 1700.
8. Any fill used shall be clean sand, gravel, rock, or other suitable material.
9. This permit shall not preclude the Department of Environmental Services (DES) from taking any enforcement or revocation action if the DES later determines that any of the structures depicted as "existing" on the plans submitted by the applicant were not previously permitted or grandfathered.

2010-00190 MORRISON, RONALD
STODDARD Highland Lake

Requested Action:

Impact 2074 sq. ft. For the placement of an existing home onto a new concrete foundation.

APPROVE PERMIT:

Impact 2074 sq. ft. For the placement of an existing home onto a new concrete foundation.

With Conditions:

1. All work shall be in accordance with plans by Meridian Land Services, Inc. dated August 29, 2009 and received by the Department of Environmental Services ("DES") on January 29, 2010.
2. No more than 2.4% of the area of the lot within the protected shoreland shall be covered by impervious surfaces unless additional approval is obtained from DES.
3. Cleared areas may be maintained but not enlarged, 483-B:9(D)(v).
4. All activities conducted in association with the completion of this project shall be conducted in a manner that complies with applicable criteria of Administrative Rules Chapter Env-Wq 1400 and RSA 483-B during and after construction.
5. Erosion and siltation controls shall be appropriate to the size and nature of the project and to the physical characteristics of the site, including slope, soil type, vegetative cover, and proximity to wetlands or surface waters.
6. No person undertaking any activity in the protected shoreland shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards established in Env-Ws 1700 or successor rules in Env-Wq 1700.
7. Any fill used shall be clean sand, gravel, rock, or other suitable material.
8. This permit shall not preclude the Department of Environmental Services (DES) from taking any enforcement or revocation action if the DES later determines that any of the structures depicted as "existing" on the plans submitted by the applicant were not previously permitted or grandfathered.

2010-00209 KEANE, JOHN
ENFIELD Mascoma Lake

Requested Action:

Impact 1,362 sq ft Installation of a 24ft x38ft concrete slab, septic and well.

APPROVE PERMIT:

Impact 1,362 sq ft Installation of a 24ft x38ft concrete slab, septic and well.

With Conditions:

1. All work shall be in accordance with plans by CLD Consulting Engineers dated May 1, 2008 and received by the Department of Environmental Services ("DES") on February 1, 2010.
2. This permit is contingent on approval by the DES Subsurface Systems Bureau.
3. No more than 4.6% of the area of the lot within the protected shoreland shall be covered by impervious surfaces unless additional approval is obtained from DES.
4. At least 4,319 sq ft of the Natural Woodland Buffer beyond the primary building setback must remain in an unaltered state in order to comply with RSA 483-B:9, V, (b), (2).
5. Erosion and siltation controls shall be appropriate to the size and nature of the project and to the physical characteristics of the site, including slope, soil type, vegetative cover, and proximity to wetlands or surface waters.
6. All activities conducted in association with the completion of this project shall be conducted in a manner that complies with applicable criteria of Administrative Rules Chapter Env-Wq 1400 and RSA 483-B during and after construction.
7. No person undertaking any activity in the protected shoreland shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards established in Env-Ws 1700 or successor rules in Env-Wq 1700.
8. Any fill used shall be clean sand, gravel, rock, or other suitable material.
9. This permit shall not preclude the Department of Environmental Services (DES) from taking any enforcement or revocation action if the DES later determines that any of the structures depicted as "existing" on the plans submitted by the applicant were not previously permitted or grandfathered.

CSPA PERMIT W/VARIANCE

2009-00878 BUCK III, CHESTER
DEERFIELD Northwood Lake

Requested Action:

Applicant requests that permit be amended to allow modification of the deck footprint which would maintain the current square footage of impervious area.

Inspection Date: 06/23/2009 by Raymond M Reimold

APPROVE AMENDMENT:

Impact 3,950 sq ft to replace a pre-existing primary structure and install a subsurface system.

With Conditions:

1. All work shall be in accordance with plans by Round Pond Soil Survey as revised September 11, 2009 and received by the Department of Environmental Services ("DES") on December 18, 2009.
2. The proposed porch shall be maintained as a seasonal, open, porch and shall not be made suitable for year-round use as living

space.

3. No more than 19.75% of the area of the lot within the protected shoreland shall be covered by impervious surfaces unless additional approval is obtained from DES.
4. All activities conducted in association with the completion of this project shall be conducted in a manner that complies with applicable criteria of Administrative Rules Chapter Env-Wq 1400 and RSA 483-B during and after construction.
5. Erosion and siltation control measures shall be installed prior to the start of work, be maintained throughout the project, and remain in place until all disturbed surfaces are stabilized.
6. Erosion and siltation controls shall be appropriate to the size and nature of the project and to the physical characteristics of the site, including slope, soil type, vegetative cover, and proximity to wetlands or surface waters.
7. No person undertaking any activity in the protected shoreland shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards established in Env-Ws 1700 or successor rules in Env-Wq 1700.
8. Any fill used shall be clean sand, gravel, rock, or other suitable material.
9. This permit shall not preclude DES from taking any enforcement or revocation action if the DES later determines that any of the structures depicted as "existing" on the plans submitted by the applicant were not previously permitted or grandfathered.

With Findings:

1. In 2008 this property was impacted by a tornado resulting in the destruction of the primary structure.
2. There are no unaltered areas on the property.
3. The proposed modification of the deck area shall not increase the footprint of the structure impervious area nor shall it increase the footprint of living space provided by the structure.

CSPA PERMIT W/WAIVER

2009-00013 NADEAU, J
PORTSMOUTH Sagamore Creek

Requested Action:

Impact 89,720 sq ft for the purpose of redeveloping an existing lot including construction new residential units and parking areas, installing stormwater controls and restoring regions within the waterfront buffer.

APPROVE PERMIT:

Impact 89,720 sq ft for the purpose of redeveloping an existing lot including construction of new residential units and parking areas, installing stormwater measures and restoring regions within the waterfront buffer.

WAIVER APPROVED: RSA 483-B:9, V(g)(1) is waived to allow the expansion of a primary structure on a lot within the protected shoreland that exceeds 30% impervious surface coverage.

With Conditions:

1. All work shall be in accordance with plans by MSC Civil Engineers & Land Surveyors, Inc., last revised January 19, 2010 and received by the Department of Environmental Services ("DES") on February 2, 2010 and a planting plan received by DES on February 4, 2010.
2. This approval includes a waiver of RSA 483-B:9, II (b) and, therefore, shall not be effective until it has been recorded at the appropriate Registry of Deeds and a copy of the recorded waiver is sent to the department by certified mail, return receipt requested.
3. No impacts shall occur within the protected shoreland until the subject lot is connected to and serviced by municipal sewer.
4. No more than 38.08% of the area of the lot within the protected shoreland shall be covered by impervious surfaces unless additional approval is obtained from DES.
5. This permit is contingent upon receiving a wetlands permit for impacts within the jurisdiction established under RSA 482-A and receiving all necessary local approvals from the municipality.
6. This permit is contingent upon receiving approval as required per RSA 485-A:17, from the Alteration of Terrain Program.

7. The proposed stormwater management plan shall be installed and maintained to effectively treat, infiltrate, and absorb stormwater.
8. All pervious technologies shall be designed, installed, and maintained to effectively absorb and infiltrate stormwater.
9. Upon completion of the proposed project, the approved planting plan will be implemented and monitored to ensure that each restored area within the waterfront buffer shall have 100% successful establishment of native vegetation after two (2) growing seasons, or it shall be replanted and re-established until a functional buffer is replicated in a manner satisfactory to the DES Wetlands Bureau.
10. The project as proposed will leave approximately 7,008 sq ft of the Natural Woodland Buffer beyond the primary building setback in an unaltered state. There shall be no impacts to native vegetation between 50 ft and 150 ft of the reference line associated with the proposed project in order to comply with RSA 483-B:9, V, (b), (2), (A), (ii).
11. Orange construction fencing shall be placed at the limits of construction to prevent accidental encroachment on areas determined to remain in an unaltered state.
12. All activities conducted in association with the completion of this project shall be conducted in a manner that complies with applicable criteria of Administrative Rules Chapter Env-Wq 1400 and RSA 483-B during and after construction.
13. Erosion and siltation control measures shall be installed prior to the start of work, be maintained throughout the project, and remain in place until all disturbed surfaces are stabilized.
14. Erosion and siltation controls shall be appropriate to the size and nature of the project and to the physical characteristics of the site, including slope, soil type, vegetative cover, and proximity to wetlands or surface waters.
15. No person undertaking any activity in the protected shoreland shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards established in Env-Ws 1700 or successor rules in Env-Wq 1700.
16. Any fill used shall be clean sand, gravel, rock, or other suitable material.
17. The contractor responsible for completion of the work shall utilize techniques described in the New Hampshire Stormwater Manual, Volume 3, Erosion and Sediment Controls During Construction (December 2008).
18. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
19. Silt fencing must be removed once the area is stabilized.

With Findings:

1. The existing non-conforming structure is located on a lot that exceeds 30% impervious surface coverage within the protected shoreland adjacent to Sagamore Creek and, therefore, fails to conform to the impervious surface limitations set forth in RSA 483-B:9, V (g)(1), of the CSPA.
2. In accordance with RSA 483-B:11, II, the commissioner shall review proposals which are more nearly conforming than the existing structures, and may waive some of the standards specified in RSA 483-B:9, so long as there is at least the same degree of protection provided to the public waters and the proposal is "more nearly conforming."
3. The applicant has proposed to reduce the overall area of imperviousness within the protected shoreland by 19.79%.
4. The applicant has proposed to install stormwater controls consisting of drywells.
5. The applicant has proposed to install pervious technologies to better intercept and infiltrate stormwater.
6. The applicant has proposed to restore 6,679 sq ft of the waterfront buffer with native vegetation.
7. The applicant has proposed to connect the existing and proposed structures to municipal sewer.
8. The applicant has proposed to install stormwater controls, significantly reduce the overall area of imperviousness within the protected shoreland, enhance the waterfront buffer with natural, native vegetation, connect the lot to municipal sewer, and therefore, meets the requirements for a waiver to RSA 483-B:9 as described in RSA 483-B: 11, I.

2009-02749 BANYAS REVOCABLE TRUST, VANESSA
MIRROR LAKE Lake Winnepesaukee

Requested Action:

Impact 1,797 sq ft for the purpose of replacing a manufactured housing unit and installing stormwater controls.

APPROVE PERMIT:

Impact 1,797 sq ft for the purpose of replacing a manufactured housing unit and installing stormwater controls.

WAIVER APPROVED: RSA 483-B:9, II(b) is waived to allow the expansion of a primary structure that encroaches upon the primary building setback.

With Conditions:

1. All work shall be in accordance with revised plans by White Mountain Survey Co., Inc. dated November 18, 2009 and received by the Department of Environmental Services ("DES") on February 11, 2010.
2. This approval includes a waiver of RSA 483-B:9, II (b) and, therefore, shall not be effective until it has been recorded at the appropriate Registry of Deeds and a copy of the recorded waiver is sent to the department by certified mail, return receipt requested.
3. No more than 29.9% of the area of the lot within the protected shoreland shall be covered by impervious surfaces unless additional approval is obtained from DES.
4. This permit is contingent upon receiving all necessary approvals from the NH DES Subsurface systems Bureau.
5. The project as proposed will leave approximately 1,713 sq ft of the Natural Woodland Buffer beyond the primary building setback in an unaltered state. At least 1,131 sq ft of the Natural Woodland Buffer beyond the primary building setback must remain in an unaltered state in order to remain compliant with RSA 483-B:9, V, (b), (2).
6. Orange construction fencing shall be placed at the limits of construction to prevent accidental encroachment on areas determined to remain in an unaltered state.
7. The proposed stormwater management plan shall be designed, installed and maintained to effectively absorb and infiltrate stormwater.
8. The proposed plantings shall have a 100% survival success rate upon post construction inspection from DES or the areas shall be replanted until the 100% success rate is achieved.
9. Upon completion of the proposed project, all disturbed areas will be stabilized with native vegetation.
10. All activities conducted in association with the completion of this project shall be conducted in a manner that complies with applicable criteria of Administrative Rules Chapter Env-Wq 1400 and RSA 483-B during and after construction.
11. Erosion and siltation control measures shall be installed prior to the start of work, be maintained throughout the project, and remain in place until all disturbed surfaces are stabilized.
12. Erosion and siltation controls shall be appropriate to the size and nature of the project and to the physical characteristics of the site, including slope, soil type, vegetative cover, and proximity to wetlands or surface waters.
13. No person undertaking any activity in the protected shoreland shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards established in Env-Ws 1700 or successor rules in Env-Wq 1700.
14. Any fill used shall be clean sand, gravel, rock, or other suitable material.
15. The contractor responsible for completion of the work shall utilize techniques described in the New Hampshire Stormwater Manual, Volume 3, Erosion and Sediment Controls During Construction (December 2008).
16. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
17. Silt fencing must be removed once the area is stabilized.

With Findings:

1. The existing non-conforming structure is located within the 50 ft primary building setback to Lake Winnepesaukee and, therefore, fails to conform to the setback restriction set forth in RSA 483-B:9, II (b), of the CSPA.
2. In accordance with RSA 483-B:11, II, the commissioner shall review proposals which are more nearly conforming than the existing structures, and may waive some of the standards specified in RSA 483-B:9, so long as there is at least the same degree of protection provided to the public waters and the proposal is "more nearly conforming."
3. The applicant has proposed to achieve a greater setback from the reference line.
4. The applicant has proposed to install stormwater controls consisting of 1 foot deep x 2 feet infiltration trenches under the drip lines of the new structure.
5. The applicant has proposed to plant additional native, natural vegetation within the natural and woodland buffers.
6. The applicant has proposed to install stormwater controls and significantly enhance the waterfront and natural woodland buffers, and therefore, meets the requirements for a waiver to RSA 483-B:9 as described in RSA 483-B: 11, I.

2009-02750 BANYAS FAMILY REVOCABLE TRUST
MIRROR LAKE Lake Winnepesaukee

Requested Action:

Impact 2,297 sq ft for the purpose of replacing a manufactured housing unit and installing stormwater controls.

APPROVE PERMIT:

Impact 2,297 sq ft for the purpose of replacing a manufactured housing unit and installing stormwater controls.

WAIVER APPROVED: RSA 483-B:9, II(b) is waived to allow the expansion of a primary structure that encroaches upon the primary building setback.

With Conditions:

1. All work shall be in accordance with revised plans by White Mountain Survey Co., Inc. dated November 18, 2009 and received by the Department of Environmental Services ("DES") on February 11, 2010.
2. This approval includes a waiver of RSA 483-B:9, II (b) and, therefore, shall not be effective until it has been recorded at the appropriate Registry of Deeds and a copy of the recorded waiver is sent to the Department by certified mail, return receipt requested.
3. No more than 29.9% of the area of the lot within the protected shoreland shall be covered by impervious surfaces unless additional approval is obtained from DES.
4. This permit is contingent upon receiving all necessary approvals from the NH DES Subsurface Systems Bureau.
5. The project as proposed shall not impact any native vegetation within the natural woodland buffer in order to remain compliant with RSA 483-B:9, V, (b), (2).
6. The proposed stormwater management plan shall be designed, installed and maintained to effectively absorb and infiltrate stormwater.
7. The proposed plantings shall have a 100% survival success rate upon post construction inspection from DES or the areas shall be replanted until the 100% success rate is achieved.
8. Upon completion of the proposed project, all disturbed areas will be stabilized with native vegetation.
9. All activities conducted in association with the completion of this project shall be conducted in a manner that complies with applicable criteria of Administrative Rules Chapter Env-Wq 1400 and RSA 483-B during and after construction.
10. Erosion and siltation control measures shall be installed prior to the start of work, be maintained throughout the project, and remain in place until all disturbed surfaces are stabilized.
11. Erosion and siltation controls shall be appropriate to the size and nature of the project and to the physical characteristics of the site, including slope, soil type, vegetative cover, and proximity to wetlands or surface waters.
12. No person undertaking any activity in the protected shoreland shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards established in Env-Ws 1700 or successor rules in Env-Wq 1700.
13. Any fill used shall be clean sand, gravel, rock, or other suitable material.
14. The contractor responsible for completion of the work shall utilize techniques described in the New Hampshire Stormwater Manual, Volume 3, Erosion and Sediment Controls During Construction (December 2008).
15. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
16. Silt fencing must be removed once the area is stabilized.

With Findings:

1. The existing non-conforming structure is located within the 50 ft primary building setback to Lake Winnepesaukee and, therefore, fails to conform to the setback restriction set forth in RSA 483-B:9, II (b), of the CSPA.
2. In accordance with RSA 483-B:11, II, the commissioner shall review proposals which are more nearly conforming than the existing structures, and may waive some of the standards specified in RSA 483-B:9, so long as there is at least the same degree of protection provided to the public waters and the proposal is "more nearly conforming."
3. The applicant has proposed to achieve a greater setback from the reference line.
4. The applicant has proposed to install stormwater controls consisting of 1 foot deep x 2 feet infiltration trenches under the drip lines of the new structure.
5. The applicant has proposed to plant additional native, natural vegetation within the natural and woodland buffers.

6. The applicant has proposed to install stormwater controls and significantly enhance the waterfront and natural woodland buffers, and therefore, meets the requirements for a waiver to RSA 483-B:9 as described in RSA 483-B: 11, I.

**2009-02813 PATNODE ET AL, RICHARD
MEREDITH Lake Winnepesaukee**

Requested Action:

Impact 4,450 sq ft for the purpose of expanding an existing residential dwelling, constructing a new shed, and installing stormwater controls.

APPROVE PERMIT:

Impact 4,450 sq ft for the purpose of expanding an existing residential dwelling, constructing a new shed, and installing stormwater controls.

WAIVER APPROVED: RSA 483-B:9, II(b) is waived to allow the expansion of a primary structure that encroaches upon the primary building setback.

With Conditions:

1. All work shall be in accordance with plans by David M. Dolan Associates, PC, revised January 10, 2010 and received by the Department of Environmental Services ("DES") on January 22, 2010
2. This approval includes a waiver of RSA 483-B:9, II (b) and, therefore, shall not be effective until it has been recorded at the appropriate Registry of Deeds and a copy of the recorded waiver is sent to the department by certified mail, return receipt requested.
3. No more than 6.74% of the area of the lot within the protected shoreland shall be covered by impervious surfaces unless additional approval is obtained from DES.
4. This permit is contingent upon receiving all necessary approvals from the DES Subsurface Systems Bureau.
5. The proposed stormwater management plan shall be designed, installed and maintained to effectively absorb and infiltrate stormwater.
6. The proposed plantings shall have a 100% survival success rate after two (2) growing seasons, or it shall be replanted and re-established in a manner satisfactory to the DES Wetlands Bureau.
7. Upon completion of the proposed project, all disturbed areas will be stabilized with native vegetation.
8. The project as proposed will leave approximately 7,767 sq ft of the Natural Woodland Buffer beyond the primary building setback in an unaltered state. There shall be no impacts to native vegetation between 50' and 150' of the reference line associated with the proposed project in order to comply with RSA 483-B:9, V, (b), (2), (A), (ii).
9. Orange construction fencing shall be placed at the limits of construction to prevent accidental encroachment on areas designated to remain in an unaltered state.
10. All activities conducted in association with the completion of this project shall be conducted in a manner that complies with applicable criteria of Administrative Rules Chapter Env-Wq 1400 and RSA 483-B during and after construction.
11. Erosion and siltation control measures shall be installed prior to the start of work, be maintained throughout the project, and remain in place until all disturbed surfaces are stabilized.
12. Erosion and siltation controls shall be appropriate to the size and nature of the project and to the physical characteristics of the site, including slope, soil type, vegetative cover, and proximity to wetlands or surface waters.
13. No person undertaking any activity in the protected shoreland shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards established in Env-Ws 1700 or successor rules in Env-Wq 1700.
14. Any fill used shall be clean sand, gravel, rock, or other suitable material.
15. The contractor responsible for completion of the work shall utilize techniques described in the New Hampshire Stormwater Manual, Volume 3, Erosion and Sediment Controls During Construction (December 2008).
16. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
17. Silt fencing must be removed once the area is stabilized.

With Findings:

1. The existing non-conforming structure is located within the 50 ft primary building setback to Lake Winnepesaukee and, therefore, fails to conform to the setback restriction set forth in RSA 483-B:9, II (b), of the CSPA.
2. In accordance with RSA 483-B:11, II, the commissioner shall review proposals which are more nearly conforming than the existing structures, and may waive some of the standards specified in RSA 483-B:9, so long as there is at least the same degree of protection provided to the public waters and the proposal is "more nearly conforming."
3. The applicant has proposed to enhance the waterfront buffer by planting 410 square feet of additional, native vegetation.
4. The applicant has proposed to plant additional, native vegetation within the natural woodland buffer.
5. The applicant has proposed to install stormwater controls consisting of infiltration trenches below the drip line of the existing and proposed structures. The applicant has also proposed to install an additional infiltration trench on the landward side of dwelling.
6. The applicant has proposed to reduce the driveway grade from 15% to 11% as well changing the direction of the driveway to a more westerly direction to better handle storm water runoff.
7. The applicant has proposed to install sound stormwater controls and significantly enhance the waterfront and natural woodland buffers, and therefore, meets the requirements for a waiver to RSA 483-B:9 as described in RSA 483-B: 11, I.

UTILITY NOTIFICATION

2010-00108 PSNH
NORTHWOOD Unnamed Stream Prime Wetland

2010-00109 PSNH
STRAFFORD Unnamed Wetland Isinglass River

2010-00110 PSNH
ROCHESTER Unnamed Wetland Cocheco River